

Page 2 of 7
Application. No. 09/745,606
Amendment B

REMARKS

In response to the office action mailed July 30, 2004, Applicants respectfully request reconsideration of claims 1-20 in view of the following remarks. The claims have not been amended. Therefore, twenty (20) claims remain pending in the application: Claims 1-20.

By way of this amendment, Applicants have made a diligent effort to place the claims in condition for allowance. However, should there remain any outstanding issues that require adverse action, it is respectfully requested that the Examiner telephone the undersigned at (858) 552-1311 so that such issues may be resolved as expeditiously as possible.

Claim Rejections - 35 U.S.C. § 102

1. Claims 1-9, 11-14 and 16-19 stand rejected under 35 U.S.C. § 102(e), as being anticipated by U.S. Patent No. 6,571,390 to Dunn, et al. (referred to below as the Dunn reference). Applicants submit, however, that the Dunn reference fails to teach each element of at least independent claims 1 and 11. For example, claim 1 recites in part:

receiving programming data associated with the channel;
displaying a show associated with the channel;
displaying a menu associated with storing of the channel in memory;
selecting to load the programming data of the channel associated with the show currently being displayed into memory of the entertainment system; and
loading the programming data associated with the channel currently being displayed into the memory.

As such, claim 1 provides, in part, for the loading into the memory of programming data associated with the channel of the show currently being displayed. In contrast, the Dunn reference is directed to a system that provides a user with access to a set of videos on demand (VOD) and is not related to programming data associated with a channel of a show currently being displayed.

In addition, the Dunn reference does not teach or suggest "displaying a menu associated with storing of the channel in memory" as recited in claim 1 (emphasis added). Instead, Dunn describes a user interface that allows a user to select content (e.g., a specific

Page 3 of 7
Application. No. 09/745,606.
Amendment B

movie) and does not teach a “menu associated with storing of the channel in memory.” Additionally, the Dunn reference describes a “preview browser UI 70” that allows a user to access a list of available video content. This preview browser UI does not relate to storing “the channel in memory.” Instead, the Dunn reference’s browser UI includes a “add to list” button 80. The Examiner suggests that the “add to list” initiates a menu associated with channel data. This “add to list” button, however, is not associated with channel data, but instead allows the user to create “a customized list of movies 102....” (Dunn, col. 7, line 62, emphasis added) that is totally unrelated to the channel.

Further, the Dunn reference teaches away from displaying a menu associated with the channel because the channel data provides no information for the system described in Dunn and would make the system inoperable for its intended purpose. The Dunn reference allows access to the content (VOD) after the user has accesses a single predefined channel. Specifically, the Dunn reference describes that “[t]he VOD application is activated when a viewer switches to a designated VOD channel” (Dunn, col. 3, lines 10-13, emphasis added). The Dunn reference continues to refer to this one designated VOD channel throughout the patent. As such, the Dunn reference would not display a menu associated with the channel because the channel provides no usable information to the system. Further, the intended purpose of Dunn is to provide access to VOD content that the user can select, and supplying channel data would go against the intended purpose because such channel data would not allow the user to select the VOD content. Therefore, the Dunn reference does not teach and instead teaches away from at least “displaying a menu associated with storing of the channel in memory” as recited in claim 1.

Still further, the Dunn reference does not select to “load the programming data of the channel” as recited in claim 1 (emphasis added). To the contrary, the Dunn reference instead stores information about content that is unrelated with the channel, and teaches away from storing the programming data of the channel. More specifically, the Dunn reference only describes adding a “program ID” of content to a viewer list, where “[t]he program information database correlates the program IDs of the video content programs with the viewer IDs to maintain customized lists.” (Dunn, col. 2, line 67 – col. 3, line 3, emphasis added). This

Page 4 of 7

Application. No. 09/745,606

Amendment B

“program ID” is not related to channel programming data, but only to the content. Further, storing the channel programming data would not achieve the intended purpose of Dunn, in creating a list of content that a viewer wants to view, because the channel has nothing to do with the content. Therefore, it would go against the intended purpose of Dunn to loading channel programming data.

Additionally, the Dunn reference does not teach and alternatively teaches away from, for example, “selecting to load ... and loading the programming data associated with the channel currently being displayed into the memory” as recited in claim 1 (emphasis added). Dunn does not describe selecting to load the programming data of the channel. Alternatively, the information stored in the Dunn reference relates to the actual video and audio content of a video (VOD) and not the channel. Further, the Dunn reference describes “SQL records” that include information specific to a single video. More specifically, the portion of the Dunn reference cited by the Examiner at column 5, lines 29-33 instead recite that “SQL records reflect such things as the program title, cast members, director, rating, whether the program has closed captioning or stereo audio, length of program, scheduled time of the program, network name, program category, description text” This SQL record is not associated with the channel, but instead is associated with a specific video/audio content. Therefore, the Dunn reference does not teach or suggest, and instead teaches away from the loading of programming data associated with a channel.

Independent claim 11 includes claim language similar to that of claim 1. Therefore, claim 11 is also not anticipated by the Dunn reference. Further, the Dunn reference teaches away from the system as recited in claim 11, and thus Applicant respectfully submits that claim 11 is in condition for allowance.

Claims 2-10 and 12-20 depend from claims 1 and 11, respectively. Therefore, claims 2-10 and 12-20 are also not anticipated by the Dunn reference for at least the reasons provided above.

Page 5 of 7
Application No. 09/745,606
Amendment B

Claim Rejections - 35 U.S.C. §103

2. Claims 10 and 20 stand rejected under 35 U.S.C. §103(a), as being unpatentable over the Dunn reference in view of U.S. Patent No. 5,477,262 to Banker et al. (referred to below as the Banker reference). However, the Banker et al. reference also does not teach at least "selecting to load the programming data of the channel associated with the show currently being displayed into memory of the entertainment system; and loading the programming data associated with the channel currently being displayed into the memory" as recited in claim 1. Claim 11 recites language similar to claim 1. Therefore, claims 10 and 20 are not obvious over the Dunn and Banker references because the combination of references fails to teach or make obvious each element of claims 10 and 20.

Further, one skilled in the art would not combine the Banker reference with the Dunn reference as this would make the Dunn reference inoperable for its intended purpose. As such, one skilled in the art would not combine the Dunn and Bank references. Therefore, the method and system of claims 10 and 20, respectively, are not obvious over the applied references.

The Examiner further rejected claim 15 as being unpatentable over the Dunn reference in view of U.S. Patent No. 5,808,694 to Usui et al. (referred to below as the Usui reference). It was demonstrated above that the Dunn reference fails to teach each element of independent claim 11. The Usui et al. reference also does not teach at least "central processing unit to execute software to load programming data associated with the channel currently being displayed into the memory" as recited in claim 11. Therefore, claim 15 is not obvious over the Dunn and Usui references because the combination of references fails to teach or make obvious each element of claim 15.

Still further, one skilled in the art would not combine the Usui reference with the Dunn reference as this would make the Dunn reference inoperable for its intended purpose. As

Page 6 of 7
Application. No. 09/745,606
Amendment B

such, one skilled in the art would not combine the Dunn and Usui references. Therefore, the system of claim 15 is not obvious over the applied references.


Page 7 of 7
Application No. 09/745,606
Amendment B

CONCLUSION

Applicants submit that the above amendments and remarks place the pending claims in a condition for allowance. Therefore, a Notice of Allowance is respectfully requested.

Respectfully submitted,

Dated: November 1, 2004



Steven M. Freeland
Reg. No. 42,555
Attorney for Applicants
(858) 552-1311

Address all correspondence to:
FITCH, EVEN, TABIN & FLANNERY
Thomas F. Lebens
120 So. LaSalle Street, Ste. 1600
Chicago, IL 60603
(858) 552-1311